File No. 351(3)

1937

Collection No.

12/7/47

Mysore Residency
Bangalore

(33)

S.N 213

Proc. / Serial Nos. 1–

Subject.

Acquisition of land in B & M Station, Bangalore, for extending Mohamedan Cemetery on Vandidroog Road.

Previous References.

H. 87 of 1936
226 of 1935

Later References.

19/M 46

Indexed

S. 97.—(Blue).

MFP—393 S&P—(M-625)—28-7-36—100,000.

NOTES AND PRECIS.

NOTES AND PRECIS.

C.P.8 - 13. D.No.9668. S.N.(5).

C.P.1, 2 & 7. D. Please see S.N.1 and 4.

3

S.N.1/C.P.1
F. 826(2)-35
(A)

In 1935 a similar proposal was submitted by the Collector, C & M Station, Bangalore, for acquisition of land for extending the Mohamedan cemetery on Nandidroog Road. The owners of the land proposed to be acquired for the purpose and the residents of the locality objected to this acquisition and their reasons for the objection are contained in S.N.5/C.P.7 to 10 of F.826(2)-35. The President, Municipal Commission, inspected the place and his report is at page 11 of F.826(2)-35; He saw no force in the objections. However the question was deferred at that time.

S.N.1/C.P.1 (D) 4

Vide: plans at S.N.3/C.P.14a and F.826(2)-35 'A'; S.N.3/C.P.6 F.351(3)-37 (D) plus

S.N.9.a. F.242(2)-94. (L)

In February 1937, the Collector submitted another proposal which slightly differs in area and boundaries of the land from the previous one. The owners of the land and the residents have filed the same objections. The grounds on which objections have been taken are in accordance with Rule 2 of the Rules issued by the Hon'ble the Resident in his notification No.23, dated the 16th February 1924. The objectants desire to construct buildings instead of a burial ground and wish to avoid the undue proximity of the cemetery and residential houses. But the position does not appear to be materially affected by this proposal to construct houses; as expressed by the President, Municipal Commission, in 1935, "instead of the cemetery being brought nearer to the houses, they propose to bring houses nearer the cemetery".

S.N.5/C.P.11 (D)
F. 826(2)-35.

5

In order to prevent the cemetery being extended very close to the residential quarters, the President, Municipal Commission has now submitted a revised plan (slightly

plus

different...

Area in Original plan:
EA - 7G - 175.4 - 45.ft
Area in revised plan:
7A - 25G - 115.4 - 65.ft
Difference 239.32.54 - 71.ft

different from the one already submitted by him with S.N.1) wherein he suggests to modify the acquisition by moving the cemetery boundary back another 142 feet in Rajappa's land and this seems to meet the objections advanced by the residents of the locality and will make the cemetery reasonably distant from the dwelling lines.

Discuss the telephone message with Secy

(C)

It is understood that the advocates representing the parties were heard by the Collector. The President, Municipal Commission, and Executive Engineer subsequently inspected the place and the parties have agreed to the revised proposal for the acquisition of the land for extending the Mohamedan cemetery on Nandidroog Road, C & M Station, Bangalore.

If approved the draft notification furnsihed by the Collector may be published in the Mysore Residency Orders. Draft submitted.

(From Para 5)

J.M.
30.10.37.

A.R.
T.N.T.
30-10-37.

(7) May be issued

A.R.
1.11.37.

Secy.

(8) May be issued

2/11/37

Resident.

(9) YS

S.R. (6): Issue.

Await
-37

D.No.12197. S.N.(7).

Please see S.N.5 and 6 and paras 3 to 9 of notes ante.

If approved the petition may be forwarded to the Collector, C & M Station, Bangalore, for favour of remarks. Draft submitted.

COLLECTOR & DISTRICT MAGISTRATE
7 JAN. 1938
535-D-37
C. & M. STATION

10

22.12.37.

T.N.T
24-12-37.

S.N.6.
S.P.14

11

The notification under section 6 issued on the 10th November 1937. Objections, if any, should now be confined to value and claims and not to acquisition. The Collector who also has received a petition may see for remarks.

6.1.38.

To, The Collector, C & M Station, Bangalore.
U.O.D.No. 12197 dated the 6th January 1938

Returned.

12

Please see my letter No.535-D-37 dated 17th June 1938.

17/6/38

6.3.38

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.
U.O.No.535-D-37 dated the 17th June 1938.

DESPATCHED
18 JUN. 1938

Please see paras 3 to 9 of notes and S.N.4 and 6 and also S.N.7 (PUC I) and para 10 of notes ante.

The Collector proposes reduction in the area of the land published for acquisition in Notification No.108, dated the 10th November 1937. Under section 48(1) of the Land Acquisition Act, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken and in the circumstances explained the Collector's proposal to relinquish an area of 1 Acre - 20 Guntas - 33 Sq. yard and 4 sq. feet, may be accepted. The modification has been made at the instance of the land owners among others and the question of compensation under sub-sections (2) and (3) of section 48 of the Act, does not seem to arise.

Though there appears to be no necessity for the re-issue of the Notification under section 6, the Collector's draft notification may be published in the Mysore Residency Orders for information as it will make the position clear to the public, who will know that a portion of the land has been relinquished.

An order under section 17 may be issued to enable the Collector to take possession of the land at once, before the cultivation season begins. A Notice under Sec-9. was issued by the Collector before December 1937.

Two drafts submitted.

(Paras 13-15).

Jr.
22.6.38.
24

T.N.T
24-6-38

Secy.

TC

There are 2 stages before the Collector takes possession of land, which under the Act thereupon vests absolutely in the Crown: (a) Notification under Secton 4 (1), and hearing of objections, and (b) declaration by Government

Government under Section 6 that land is required for a public purpose, and claims to compensation for all interests in such land. It may be noticed that on the publication of the notice that Government intends to take possession of the lands, the residents have preferred again a petition praying that the acquisition proceedings may be dropped and not for compensation as required by Section 9. The question touches the sentiments of a community in general, and the objections also have been raised on behalf of the entire community. But in view of Collector's statement that he met the objectors again, and obtained their concurrence to the proposed acquisition on modifying the boundaries, it appears the acquisition proceedings may be pushed forward.

Please see Sections16 and 17. Section 16 provides for taking possession after the making of an award. Section 17 provides for taking possession of any waste or arable land though no award has been made. In para 3 of the letter Collector proposes to proceed with the award; in para 4 he wants an order under Section 17 to take possession (which must be before the award). Collector will of course act in a manner which is expedient or convenient in the circumstances of the case. It appears he may be authorised to act under Section 17 as requested, and the proposed notification relinquishing part of the land may also be published.

× P.u c 1 / S.N 7

17

ASRao 28.6.38

Secretary.

President.

Rawlyan 1/7/38.

The Government in the objections herein mentioned above may be taken as suggested

V 4/7/38.

S.N.(9&10) Issue

Record.

CORRESPONDENCE.

Mr. 20.
12:

S. W. (1)

(1

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. 535-D-37
Enc.2

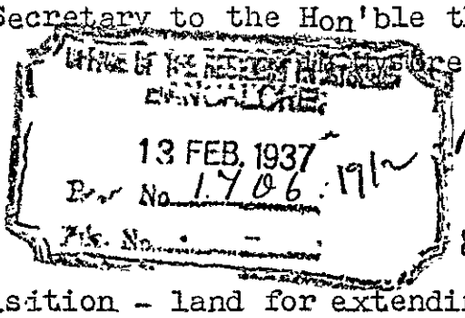
Dated 10th February 193 7.

FROM

L.J.MacIver Esq.,I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident
[illegible]re, Bangalore.



N.F
87-36

SIR,

Land Acquisition - land for extending Mohamedan Cemetery on Nandidroog Road -

I forward herewith a Draft Notification under Sec.4(1) of the Land Acquisition Act for favour of approval and publication in the Mysore Residency Orders I also enclose a plan of the land for reference and favour of return.

*NH- put up

The cost of acquisition will be borne by the Municipal Commission.

I have the honour to be
S i r,
Your most obedient servant,

Collector.

11.2.

Col. O. 1.

7

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION UNDER SECTION 4 (1) OF ACT I OF 1894.

No. 31

Bangalore, dated 17th March *193* 7

It is hereby notified that the land described in the schedule hereunder is needed for a public purpose, namely, **for the extension of Mohamedan Cemetery on Nandidroog Road.**

SCHEDULE OF LAND.

Where situated.	Name of owner.	Description of land.	Area.	Boundaries. North.	Boundaries. East.	Boundaries. South.	Boundaries. West.	Remarks.
Baiderhalli Kayamgutha Village.	1) Mr. Dodda Pillappa, Munireddypalyam. 2) Mr. A. Venkataratna Moodaliar (Purchaser) since deceased - by his minor sons, Mr.Munimarappa (Claimant.) 3) Mr. Rajappa, Munireddypalyam. 4) Lakshmana. 5) Mr. Ramiah 6) Mr. Chickapillappa and 7) Dodda Pillappa.	Dry - 1) Survey No.66 (part) 2 plots. 2) " " 65 " 3) " " 62 " Kayamgutha Baiderhalli. 4) Survey No.66 (part) 2 plots. 5) Survey No.66 (part). 6) Survey No.66 (part). 7) Survey No.67 (part).	(1) 1A-1G; (2) 1A-30G-100 Sq.Yds. (3) 2A-13G-36Sq.Yds. (6) DA-14G and (4) 1A-1G; (7) OA-33G (5) OA-35G;	Parts of Survey Nos.61 & 62 and S.No.67 Kayamgutha Baiderhalli.	" " 78 and 104, Kayamgutha Baiderhalli.	" " 66 & Mohamedan Cemetery on Nandidroog Road.	" " 65, 62, & 67, Kayamgutha Baiderahalli.	The plan may be seen in Collector's Office.

for *Secretary to the Resident.*

~~*Collector.*~~

To be published in the Mysore Residency Orders.

1533—12-3-1934—500—RPB.

Copy forwarded to the Collector, C & M Station, Bangalore, for information, with reference to his letter No. 535-D-37, dated the 10th Feby.1937.

5

18

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

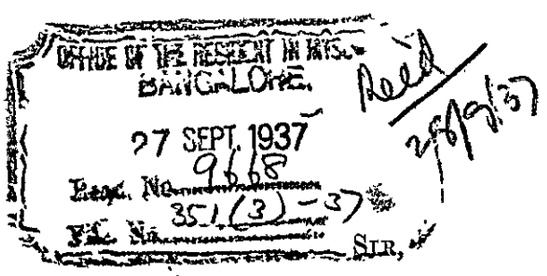
No.535/D/37.
Encl. (2) and 1 plan

Dated 24th September *193* 7.

FROM,

C. F. V. Williams, Esquire., I.C.S.,
COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To



Read 25/9/37

The Secretary to the Hon'ble the Resident
in Mysore,

BANGALORE.

SIR,

Land acquisition - Land for extending Mohamedan Cemetery on Nandidrug Road, - Hon'ble the Resident's Notification No.31, dated 17-3-37.

×S.N.4 (D)
C.P.7

I enclose a copy of the objection petition dated 20-4-37 received from the owners and residents in response to the notice issued under rule I of the Hon'ble the Resident's Notification No.23, dated 16-2-24. In order to meet these objections, the President Municipal Commission has decided to modify the acquisition by moving the boundary back another 142 feet in Rajappa's land as shown in the accompanying revised blue print. This will make the cemetery reasonably distant from the new dwelling lines. As this modification merely reduces the area of acquisition and concerns only one owner, it does not materially affect the Notification No.31, dated 17-3-37. I forward herewith a draft declaration under Section 6 of the Land Acquisition Act for favour of approval and publication in the Residency Orders.

×S.N.9(a)
F. 242(2)-94.
(L)

×S.N.4 (D)
C.P.7

I have the honour to be,

Sir,

Your most obedient servant,

C. Williams

COLLECTOR.

DESPATCHED
25 SEP. 1937

S.G.24.3.

Copy of letter No. nil dated 20th April 1937 from the land owners and residents of Kayamgutta Baiderhalli, Munireddipalyam, Nandidroog Road, represented by C & M Station, Bangalore, by R.Venkatasamappa, Municipal Councillor, Munireddipalyam. Hebbal P.O.Bangalore, to the Collector C & M Station, Bangalore.

With reference to the notice under Rule 1 of the Land Acquisition Rules issued under No.535-D.37 dated 18th March 1937, touching Survey Nos.62, 65, 66, and 67 of Baiderhalli Kayamgutta village, we beg to respect that with reference to a similar Notice issued in your No.98 dated 13-12-1935 re. the acquisition of the said survey numbers, we had filed our objections to your honour in the month of February 1936, which runs as follows:-

S.N.4 / C.P.5 / F. 826(2)35. (A)

" Regarding the proposed acquisition of lands for the extension of the Mohamadan Cemetery at Nandidroog Road as per the Notification of the Collector, C & M Station, Bangalore, in No 98 dated 13-12-1935, the following objections are preferred:-

S.N.5 / C.P.7-10. / F.826(2)-35 (A)

1. The proposed acquisition is against public interests and public policy.

2. On the very borders of the lands in question and all round the same, innumberable houses have sprung up and the place has become a thickly populated residential part of Bangalore.

3. Just up to the Western limit of the proposed acquisition on the City side, the lands has been divided into building sites and sanctioned by the Municipality. People have purchased the same and are about to commence construction.

4. The residents of the locality and the owners of the houses and plots are almost all of them Hindus. Putting Mohamadan cemeteries, near their residences is not a very congenial proposition.

5. It is a recognised principle that x cemetries should yield before the interests of the residential quarter and an expanding Town, and must invariably be planned and enlarged outside the Town limits. In the present instance, it would result in allowing a cemetery to push away the people. It would be eating into and from the residential quarters. This would be a preposterous proposition.

6. The Municipality has been responsible in encouraging the growth of the Town in this locality and it would be neither just nor consistent to flout the residents and confront them with the alternative of either to put up with the proposed burial yard or abandon their houses, their

P.T.O.

very, sentiments of both communities will be affected and a clash of the communities resulting in breach of the public peace would become inevitable.

12. When the cemetery is allowed as now proposed to be extended to the very door steps of Hindu residence, knowing the insistence of the Mohamadan Community in silence in and near a Makkan and during burial service, music and jubilations would become impossible in the Hindu Home and if carried on, the breach of public peace may result. The cordial communal relationship existing for decades in the C & M Station of Bangalore would receive a rude shock, perhaps never to be set right.

13. In this locality the land is rapidly being converted into building sites. Perhaps one or two years would see innumerable modern dwelling houses cropping up to meet the needs of Town Extension. This land is very costly, costing, Rs.3,000/- per acre. The owners intend to build model houses on these sites. In the interests of the town this place should not be diverted for the deposit of corpses.

14. A Mohamadan cemetery as may be verified from a personal inspection become a miniature jungle, planted with gigantic trees. There is the consolation of the present jungle existing without expansion, but if the acquisition is allowed, it would be yielding preference to the creation of new jungles to the danger and unsettlement of the surrounding inhabitants.

15. Richer members of the Mohamadan community have segregated nice bits of land in the existing cemetery as private vaults for their family, marking these out with distinctive members, thus crowding out the poor folk. The necessity for shifting for a number of years would be avoided if the community cancels this programme of isolation.

16. The very same landowners who would be affected by this acquisition were asked by the representations of the Mohamadan community to sell. This persuation was made on the strength of their having succeeded in one or two instances previously. The owners refused for reasons detailed herein, and these members appalled by the prices they have to pay and they may have to pay, are attempting now to get a tactical advantage in persuading the Government to undertake this unpleasant and costly task.

What now again we beg to file this very same objections, and to add that the present acquisition proposed, with the exception of a small

12)

portion of the lands belonging to Muni Marappa and Rajappa, of remaining lands of these two owners and the lands owned by Pillappa and others, results in the same objections, and much more B.Munisamappa's lands situated to the North of the said proposed lands, which were only cultivating lands before, have now been converted into building sites with permission and many of these sites purchased by the public for raising buildings and thus now if the cemetery is extended, as proposed, there will be residential buildings on both the North and West, since City building sites long ago existing on the ~~East~~ West and new sites of B. Munisamappa having come up on the North lately, ~~lately~~)/and the small piece of Hindu Cemetery existing at the south-western corner, will be centered and included in the area covered by the Mohamadan Cemetery without an entrance-passage to the said Hindu Cemetery.

For the foregoing reasons, it is respectfully requested that the place be personally inspected and the petitioners heard, and the acquisition proceedings dropped.

"C O P Y"

M. Ecchappa

SHERISTADAR.

BAC,24.9.

Col. O. 2.

THE HON'BLE THE RESIDENT IN MYSORE.

Notification.

Dated Bangalore, the 10th November 1937.

No. 108

Whereas it appears to the Hon'ble the Resident in Mysore that land is required for a public purpose, namely, for the extension of Mohamedan Cemetery on Nandidroog Road.

It is hereby declared that the undermentioned land is required for the said purpose.

This declaration is made under the provisions of section 6 of Act I of 1894 as applied to the Civil and Military Station of Bangalore, and under section 7 of the said Act, the Collector of the Civil and Military Sation is hereby directed to take order for the acquisition of the said land.

SPECIFICATION OF LAND.

Where situated.	Name of owner.	Description of land.	Area.	Boundaries. North.	East.	South.	West.	Remarks.
Baiderhalli Kayamgutha Village.	1) Mr. Dodda Pillappa, Munireddypalyam. 2) Mr: A.Venkataratna Moodaliar (Purchaser) since deceased - by his minor sons, Mr. Munimarappa (claimant). 3) Mr. Rajappa, Munireddypalyam. 4) Lakshmanna. 5) Mr. Ramiah. 6) Mr. Chickapillappa, and 7) Mr. Dodda Pillappa.	Dry - 1) Survey No.66 (part) 2 plots. 2) " 65 " Kayamgutha Baiderhalli. 3) " 62 " & Plots. 4) " 66 (patt). 2 plots. 5) " 66 " 6) " 66 " 7) " 67 "	(1) 1 A - ½ G. (2) 1 A - 30 G. 100 Sq. Yds. (3) 1 A - 30 G. 4 Sq. Yds. (4) 1 A - 1½ G. (5) 0 A - 35¼ G. (6) 0 A - 14¾ G. (7) 0 A - 33 G.	Parts of Survey Nos. 61, 62 & 67 K.G. Baiderhalli.	Parts of Survey Nos. 78 & 104 K.G. Baiderhalli.	Parts of Survey No. 66 and Mohamedan Cemetery, Nandidroog Road.	Parts of Survey Nos. 65, 62 & 67 K.G. Baiderhalli.	The plan may be seen in Collector's Office.

To be published in the Mysore Residency Orders.

Copy forwarded to the Collector, C & M Station, Bangalore, with reference to his letter No. 535/D/37, dated the 24th September 1937.

for *Secretary to the Resident.*

1553—13-3-1934—500—RPB.

2. The plan of the land is returned,

S.N.5/C.P.8
PUC.

T.N.T
21.10.37. 22-10-37.

(7)

PUC-I 15

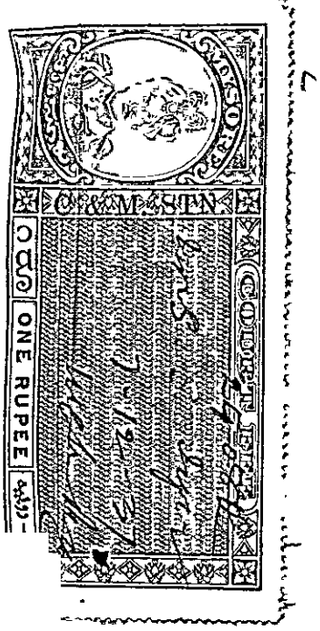
From

The land owners and residents of Kayamgutta Baiderhalli, Munireddipalyam, Marappanapalaya, Nundydrug Road, Bangalore.

THROUGH their representative Mr.S. SUNDARAM IYER, Pleader, No.9, Labbe Musjid Street, Bangalore

To

The Hon'ble the British Resident in Mysore, Bangalore.



Sir,

The Collector C. & M. Station, Bangalore had notified in No.98 of 13-12-35 that he is going to acquire certain lands for the extension of the Mahamedan cemetry at Nandydrug road. These petitioners consisting of owners and residents of the locality had preferred their objections to the proposed acquisition to the Collector. A copy of the objection sent to him is enclosed herewith. The same may be treated and read as part of this memorial.

The Collector instead of trying to understand the view point of these petitioners and giving them an opportunity to substantiate their reasons, disregarded them and proceeded with the acquisition. These petitioners again presented another petition to Mr. Mac Iyer I.C.S. the then Collector and he told their representative that his successor in Office would attend to their work.

The petitioners were expecting a reply from the Collector giving them an opportunity to prove the inadvisability of proceeding with the acquisition. But these petitioners learn that the Collector and Executive Engineer had inspected the spot independently without sending information to these petitioners and are now carrying on with the proceedings. They have made a slight modification of leaving about 200 feet on the West. This does not solve the problem and the objections are still there.

In para 9 of their objections enclosed herewith the petitioners have suggested an alternative site also. This possibility does not seem to have been fully investigated.

The petitioners have addressed a further communication D/ 3-12-37 a copy of which also is enclosed herewith.

For the reasons stated in the objection statements we implore you.

(1) to direct the Collector to drop the acquisition proceedings.

(2) to allow these petitioners to send a deputation to ~~Your~~ represent their grievances.

(3) to request the Secretary to Hon'ble the Resident and Collector to visit the spot after notice to us and

(4) to stay further proceedings before the Collector until this matter is finally disposed off by the Government and lastly

(5) to direct the President Municipal Commission to investigate the possibilities of alternative sites for the cemetry

All communications may be sent to our representative.

Owners.

Address:

(Munimaraiah) Maraiahana Palaya Bangalore cantt Hebbal Post

B.S. Rajappa

~~B.S. Rappa~~

Munireddi-palya Bangalore city

(P.A. Ramaiah) Munireddy Palaya Bangalore city.

(Dodda Pillappa) Munireddy Palaya. Bangalore city.

L.T. Market of Lakshmamma. Munireddy palaya. Main Roads Bangalore city

Residents.	ADDRESS.
R. Venkataswamy	Municipal Councillor. Hebbal Post.
V. Ramakrishnaiya	General Merchants Hebbal. Post.
ಬಿ-ಬೊದ್ದಕಫ್ಫಣ್ಣ (B. Boddakaffanna.	Munireddipalyam Hebbal Post.
ಬಿ. ರಾಮಕೃಷ್ಣಪ್ಪ (B. Ramakrisnappa.)	Munireddy Palaya Door No. 99. Munisappa gall
Nagappa	Conjurer
Rangiah	munireddypalyam (Shop. Keeper)
Syed Khan.	munireddypalyam
M. Abdul Sattar.	Hebbal post (M. palyam Tailor)
Shek. Mohdeen.	munireddypalyam.
Khadar Mohadeen	munireddy Cycle mart. Shopkeeper
Abdul Jabbar.	Munireddy Palaim Shop. Keeper
Abdul Azeez	Munireddypalyam
B. K. Basappa	munireddy palyam
Abdul Rahiman.	munireddypalyam
Khadar.	Munireddypalyam.
Shaik Hyder	Abdul jabbar. munireddypalyam.
	munireddy palyam
	Mohdeen Sharif. munireddypalyam Shop keeper.
	Khadardeen ali Khan. munireddypalyam
	M. Abdul gaffar. Cycle mart munireddypalyam
	Sathyanarayana Flour Mills Municipal palyam. Cycle mart
Abdul Gaffar.	munireddy palyam

Residents.	ADDRESS
[illegible] Ramaiah	Munireddypalyam
[illegible] Rangachamappa.	manireddypalyam
S. [illegible]	Munireddipalyam
[illegible]	
P. Venkatasamy	Munireddipalyam. 2and 2ard.
M. Munisettappa.	Munireddypalyam Contractor
Rameshandar Rao Bhagsley	(M. palyam)
P. A. V. Seshma	Munireddy palayam
J. R. Raghunath Rao	Hotel keeper
	Munireddy Palayam M. C. L.
B. Raja Rao.	Munireddipalyam. Shop-keeper.
[illegible]	
Y. Siddappa	Appanna (M. palyam shop keeper)
Venkatramaiah	Munireddypalyam
[illegible]	— (M. palya) Contractor
	B. Kajjanna. munireddypalyam
[illegible]	Manare Contractor
[illegible]	Sampangappa (munireddypalyam
[illegible]	M. Venkata Ramiah. (munireddypalyam contractor)
M. Doraswamy	Munireddy palayam
Raghunathan	Licenced Sanitary plumber & contractor Residing in Munireddipalya Hebbal
	Munireddipalyam
(Sd) [illegible]	Hanumanthappa
B. Narasimha Rao.	Munireddipalya. Cloth merchant.
Bhaskar Reddy.	B. S. Ramiah

(11c

Manireddypalyam Shop Keeper

B. M. Vasudeva Rao Munisoddi palam.

Manireddypalyam, Hebbal. post
Tailor

Mohamme di Abbah

Abdul Subhan Ansari
M. B. Balaji Singh
B. Nagaraja Rao
Ramaswamy reddiar
C. Krishna Rao

Munisoddi palyam
Manireddypalyam
Munireddi palyam
M. Palyam

M. Playam.
Hebbal Post.
Manireddy palyam
Hebbal Post

V. N. Anjane Gowda
" Krishna Rao
M. Somaiah.
H. Malleiha
P Ramaiah
ಚಿಕ್ಕಲಕ್ಷ್ಮಿ
ಅಮಾವಮ್ಮ (Mayamma)
ಮುನಿವೆಂಕಟಪ್ಪ (Munivenkatappa)

Marappanapalaiyam.
Bangalore Cant
Marappanapalaiya Bangalore Cantt
(P. Venkatasamy. Marappana palayam, Bangalore Cantt.)
(Bylappa. Marappana palayam, Bangalore. cantt.)
Marappana Palaya. Bangalore (cantt.)
Munireddypalaya Bangalore city.

L. T. Mark of Dodda. Marappana Palaya Bangalore cantt.

L. T. Mark of Chinna Marappana Palaya Bangalore cantt

(L. T. Mark of Huttaiha or palaya) (Marappana Palaya Bangalore cantt.

ರಾಮಯ್ಯ (Ramaiah.) Marappana Palaya. Bangalore cantt.

ವೆಂಕಟರಮಣಪ್ಪ (Venkataramanappa) Badesahalli. Bangalore cantt.

L.T. Mark of Munidasappa. Baderhalli Bangalore (cantt.)

L.T. Mark of Munigovindappa Baderhalli Bangalore (cantt.)

L.T. Mark of Ghummiah Baderhalli. Bangalore (cantt.)

L.T. Mark of Ramaiah Baderhalli, Bangalore (cantt.)

ವೆಂಕಟಸಾಮಪ್ಪ ಬಯ್ಯಡರಹಳ್ಳಿ (Venkatasamappa Baiderhalli
Bangalore (cantt.)

(22

This petition is the (Samuel pp 7-10 of F-826/35 II)

To

The Collector,

Civil and Military Station,

BANGALORE.

From,

The Land Owners and Residents of
Kayamgutta Baiderhalli, Munireddipalyam,
Marappanapalyam, Nandidroog Road,
represented by C. & M. Station, Bangalore.

Sir,

Regarding the proposed acquisition of lands for the extensio of the Mohamadan Cemetery at Nandydroog Road, as per Notification No.98 of 13-12-35, the following objections are preferred.

1. The proposed acquisition is against public interests and public policy.

2. On the very borders of the lands in question and all around the same, innumerable houses have sprung up and the place has become a thickly populated residential part of Bangalore.

3. Just up to the Western limit of the proposed acquisition on the city side, the land has been divided into building sites and sanctioned by the Municipality. People have purchased the same and are about to commence construction.

4. The residents of the locality and the owners of houses and plots are almost all of them Hindus. Jutting Mohamadan Cemeterie near their residences is not a very congenial proposition.

5. It is a recognised principle that cemeteries should yield before the interests of the residential quarter and an expanding town, and must invariably be planned and enlarged outside the tow limits. In the present instance, it would result in allowing a Cemetery to push away the people. It would be eating into and from the residential quarter. This would be a preposterous proposition.

6. The Municipality has been responsible in encouraging the growth of the town in this locality. And it would be neither jus not consistent to flout the residents and confront them with the alternative of either to put up with the proposed burial yard or

abandon their houses, their ancestors houses, the proximity to their gardens and cultivable lands and their established rights to peaceful occupation and amenities of civilisation.

7. The proposition would destroy rightful vested interests and reasonable hopes of permanent settlement of the residental quarter fostered by the actions of the Municipality.

8. Just in a line with the Mohamadan Cemetery, the City Upparahalli Hindu Cemetery has been in existence shoulder to shoulder. But when this became full, the Government refused to extend it there, in the interests of the residents and the residential quarter of the town, and has thrown it away to a new place afmile off, outside the town. What has been good for one cemetery must be good for another and it is the look out for the exhausted cemetery to find fresh extension outside the town limits.

9. If it is a question of finding a proper place, these memorialists suggest that the big maidan adjacent to the Military Grass Farm, recently purchased by the Municipality for building model sweeper huts, near Tannery Road, would be the most proper one. The owners there, seem to be willing and there is already a Mohammadan cemetery with the proximity of a good road.

10. The inhabitants of Marappanapalyam have been granted the privilege of using the plot next to the western boundary of the Mohamadan Cemetery as their burial ground and with the sanction of the Municipality, it has become a Hindu cemetery. The way to this and also to Munireddipalayam, from Marappanapalyam and that part of the City, has been lying for many years through the land now proposed to the acquired. The acquisition would shut out this important public utility permanently without any alternative or redeeming feature.

11. The Mohamadan community insists on silence in or about their cemetery to the extent of involving sacrifice of religious service and ceremonials enjoined by Hindu custom and religion during funeral. Friction has been avoided so far with difficulty but when the entire area is given away to the Mohamadan community for a cemetery, the performing of what is known as "Baja Bajanthri"

blowing of chouches, clashing of cymbas, and bahantri, as prescribed by custom, and Hindu rites would become impossible. If insisted upon, and whether a Mohamadan burial is going on or not a few yards away, sentiments of both communities will be affected and a clash of the communities resulting in breach of the public peace would become inevitable.

12. When the cemetery is allowed as now proposed to be extended to the very door steps of Hindu residents, knowing the insistence of the Mohamadan community in silence in and bear a Makan and during burial service, music and jubilation would become impossible in the Hindu home, and if carried on, breach of public peace may result. The cordial communal relationship existing for decades in the C. & M. Station of Bangalore, would receive a rude shock, perhaps never to be set right.

13. In this locality the land is rapidly being converted into building sites. Perhaps one or two years would see innumerable modern dwelling houses cropping up, to meet the needs of town expansion. This land is very costly, costing Rs.3,000/- per acre. The owners intend to build model houses on these sites. In the interests of the town, this place should not be diverted for the deposit of corpses.

14. A Mohammadan cemetery as may be verified from a personal inspection, becomes a miniature jungle, planted with gigantic trees. There is the consolation of the present jungle existing without expansion, but if the acquisition is allowed, it would be yielding preference to the creation of more jungles to the danger and unsettlement of the surrounding inhabitants.

15. Richer Members of the Mohamadan Community have segregated nice bits of land in the existing cemetery as private vaults for their family, marking these out with distinctive numbers, this crowding out the poorer folk. The necessity for shifting for a number of years would be avoided if the community cancels this programme of isolation.

16. The very same land owners who would be effected by this acquisition were asked by representations of the Mohamadan community to sell. This pursuaion was made on the strength of their having succeeded in one or two instances previously. The owners refused for reasons detailed herein and these members appalled by the prices they have had to pay and they may have to pay, are attempting now to get a tactical advantage in persuading the Government to undertake this unpleasant and costly task.

For the foregoing reasons the Memorialists and owners pray that you may be pleased to inspect the place to verify the truth of the statements contained herein, hear these petitioners and drop the land acquisition proceedings.

Owners.

Residents.

(24)

From

The Land owners and residents of Kayamgutta Baiderhalli, Munireddipalyam, Marappanapalya, Nundydrug Road, Bangalore.

THROUGH their representative Mr. S. SUNDARAM IYER, Pleader, No.9, Labbe Musjid Street, Bangalore.

To

The COLLECTOR,
Civil and Military Station,
BANGALORE.

Sir,

The land Acquisition Notice regarding the land required for the extension of the Mahommedan Cemetry at Nandidroog Road, has been served on some of us.

In this connection we had already submitted to the Collector a Memorial opposing the proposal and giving substantial reasons, A copy of the same is annexed herewith.

The only change in the acquisition now created seems to be to give up about 200 feet of space on the West. This slight modification does not remove the objections already raised. The Hindu community still stand to lose considerably and in every way Once this land is converted into a Mahammedan Cemetry, the Hindu Cemetry existing by the side of the former will still become out of reach and there would be no passage to pass on to the garden lands on the North.

It appears that the Executive Engineer inspected the spot and interviewed some persons. But the land owners mentioned in Nos. 1 to 7 were not present. If the Collector would be pleased to inspect the spot after notifying them and in their presence, the difficulties in the way of acquisition would very well be appreciated.

The proposed acquisition will be very detrimental to the

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the interests of the people and lead to the disturbance of the harmonious relation existing between the two great communities.

A date for inspection may be given and also for hearing their representation. The proposed acquisition may therefore be dropped.

Bangalore,
Dated 2nd December 1957.

Very Early.

PUC-II.

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

No. 535-D-37 Enc.2. *Dated* 17th June *1938*.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
18 JUNE 1938
File No. 6369

FROM

C.F.V.Williams, Esq., I.C.S.,

COLLECTOR, CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble the Resident in Mysore,

BANGALORE.

SIR,

Land Acquisition - Land for extension of Mahomedan Cemetery on Nandidroog Road.
-:0:-

× Page 2416 of the Civil Code Manual (Vol.II)

1. In response to the notice issued under section 9× of the Land Acquisition Act, the owners and residents of Kayamgutha Baiderhally, Munireddipalyam etc., submitted a petition dated 2nd December 1937 to me through their pleader Mr.S.Sundaram, in addition to that submitted⊗ to the Hon'ble the Resident and forwarded to me for remarks with your un-official D.No.12197 dated 6th January 1938. It will be seen from Mr. MacIver's letter No.1164-D-36 dated 22nd June 1936 and my No.535-D-37 dated 24th September 1937 that the objections raised have already been considered and that the acquisition has twice been modified. The objections now reiterated fall under Section 5-A of the Act and are not contemplated at this stage, when objections should relate only to measurements and compensation - vide Section 11.

⊗ S.N.7 Pge.I. of 15

S.N.57 c.P.6 (A) / F. 826(11)-35

2. As however the acquisition affects two important communities, I inspected the locality again, accompanied by the Municipal Engineer and Health Officer; the objectors were also present together with their pleader Mr.Sundaram. As a result it has been decided to meet the objections further by relinquishing an area of 1 Acre-20 Guntas-33 Square yards 4 Square feet as shown in the revised blue print enclosed

S.N.9/F.242(2)-94 (A)

for reference and return. This further modification will make the cemetery sufficiently distant from dwelling houses and is accepted by the Hindu representatives and their pleader, Mr.Sundaram; and it will not unduly reduce the area of the new cemetery.

3. With the exception of the reduction the boundaries already notified in the Hon'ble the Resident's Notification No.108 dated 10th November 1937 substantially hold good in respect of the revised area, and I propose therefore to proceed with the award after the issue of a notification which I enclose for favour of publication at a very early date in the Mysore Residency Orders.

S.N 6. (D) C P 14

4. I also request that the orders of the Hon'ble the Resident may kindly be obtained to enable me to take urgent possession of the land under Section 17 of the Land Acquisition Act, otherwise the acquisition will be further delayed by the cultivation season which begins about the end of this month. The present Mahomedan burial ground is almost wholly used up and it is essential that the proposed extension should be brought into use at the earliest possible date.

* Page 242 of the Civil Court Manual (Vol. I)

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR.

Copy to the President, Municipal Commission, Civil and Military Station, Bangalore, for information. A revised compensation statement will be forwarded shortly.

DESPATCHED
18 JUN. 1938

DEPARTMENT. File No.

BRANCH. Serial No.

Draft Letter / ~~Memorandum~~ / Telegram

Issued 6/7/38

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*Only for Foreign Telegrams.

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Heading :	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	

(Code word for telegrams.)

No. 351(3)-37/Rev. Dated 6/7/ 1938

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

---:0:---

To

Read:

Letter from the Collector, Civil and Military Station, Bangalore, No.535-D-37, dated the 17th June 1938.

O R D E R.

Under section 17 of Act I of 1894, as applied to the Civil and Military Station of Bangalore, the Hon'ble the Resident is pleased to direct that the Collector, Civil and Military Station, Bangalore, shall take possession of the land specified in schedule II of Notification No. 75., dated the 6th July ~~June~~ 1938, required for the extension of Mohamedan cemetery on Nandidroog Road, Civil and Military Station, Bangalore.

(Sd) H. Trevelyan

Secretary to the Resident.

To be published in the Mysore Residency Orders.

Copy forwarded to the Collector, C & M Station, Bangalore, for favour of necessary action.

22.6.38

T.K.T

24-6-38

S. 5.

MYP—1457 S&P—(M-2705)—25-2-38—6,000 Pads.

Issue 6-7-38 O

Issued 6/7/38

The HON'BLE THE RESIDENT IN MYSORE.

---:O:---

NOTIFICATION.

No. 75 Dated. 6th July 1938

R.N-6
R.F.14.
7-7-I

Of the area notified for acquisition in ~~the~~ Notification No.108, dated the 10th November 1937, 1 Acre 20 Guntas 33 Sq. yards and 4 square feet is hereby relinquished as detailed ~~as detailed~~ in schedule I Particulars of the area to be acquired are given in schedule II below:

Schedule I	Acrs.	Gts.	Sq. yds.	Sq. ft
S.No.67 (Part)	0	33	-	-
S.No.62 (Part)	0	27	33	4
Total area of ~~the~~ land relinquished.	1	20	33	4

Schedule II.

SPECIFICATION OF THE LAND TO BE ACQUIRED.

Where situated.	Names of owners.	Description of the land.	Area.	Boundaries.	Remarks
Baiderhally Kayamgutha Village.	1. Mr. Dodda Pillappa, Munireddypalyam. 2. Mr. A.Venkatratna Moodliar (Purchaser). since deceased - by his minor son Mr. Munimarappa (Claimant). 3. Mr. Rajappa, Munireddypalyam. 4. Lakshmamma 5. Mr. Ramiah. 6. Mr. Chickapillappa.	Dry - 1. Survey No.66 (part) 2 plots. 2. " 65 " 3. " 62 " 4. " 66 " 5. " 66 (Part) 2 plots. 6. " 66 "	1. 1 Acre ½ Gunta. 2. 1 Acre-30Gs 100Sq.yds. 3. 1 Acre 2 Gs. 91 Sq. yds 5 sq. ft. 4. 1 Acre½ Gs. 5. 0 Acre 35¼ Gts. 6. 0 Acre 14¾ Gts.	Parts of Survey Nos. 62 & 67 Kayamgutha Baiderhally. Parts of Survey No. 104 Kayamgutha Baiderhally. Part of Survey No.66 and Mahomedan cemetery Nandidroog Road. Parts of Survy Nos.65 & 62 Kayamgutha Baiderhally.	The plan ~~of the land~~ may be seen in the Collector's Office.

(Sd) H. Trevelyan
Secretary to the Resident.

To be published in the Mysore Residency Orders.

S.N.B/P.W.C.II.

Copy forwarded to the Collector, C & M Station, Bangalore, with reference to his letter No. ~~358~~-535 D-37, dated the 17th June 1938.

2. The plan of the land is returned.

Copy forwarded to Mr. S. Sungaram Iyer, No.9 Labbe Musjid Street, Bangalore, with reference to the representation of the land owners and residents of Kayamgutha Baiderhally, etc. villages.

22-6-38

24-6-38